

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

**FILED**

JAN 14 2003

LARRY W. PROPPES, CLERK  
U. S. DISTRICT COURT

Junior Leon Smith,

Plaintiff,

vs.

Coastal Air Services, Inc., Timberland  
Enterprises, Pine Belt, Incorporated,  
Darrell Aiken, individually and as  
agent, servant or employee of  
Timberland Enterprises and Pine  
Belt, Incorporated; Gene Hill,  
individually and as agent, servant or  
employee of Coastal Air Services, Inc.,  
and/or Timberland Enterprises and  
Pine Belt, Incorporated,

Defendants.

and

Pine Belt, Incorporated,

Third Party  
Plaintiff,

vs.

Landmark Products, Inc., BASF  
Corps., and Monsanto Corporation,

Third Party  
Defendants.

Civil Action No. 8:01-4426-24AK

REPORT OF MAGISTRATE JUDGE

**ENTERED**

JAN 14 2003

The plaintiff Junior Leon Smith ("Smith") brought this action alleging negligence. On October 25, 2002, the defendant Pine Belt, Incorporated ("Pine Belt") filed an answer and a third party complaint against BASF Corporation ("BASF"), Landmark

Products, Inc., and Monsanto Corporation. Pine Belt seeks indemnification from the third party defendants for any damages proven by the plaintiff Smith.

On November 18, 2002, BASF moved to be dismissed. On December 16, 2002, Pine Belt moved to dismiss BASF. BASF responded to this motion by stating it does not oppose Pine Belt's motion to dismiss and referred to its own motion to dismiss. Apparently, the third party plaintiff and the third party defendant BASF are in agreement that BASF should be dismissed. Accordingly, the court recommends that BASF's and Pine Belt's motions to dismiss third party defendant BASF be granted.

  
William M. Catoe  
United States Magistrate Judge

January 13, 2003

Greenville, South Carolina